

Appl. No.: 09/693,369  
Amdt. dated 11/02/2005  
Reply to Office action of 06/03/2005

### REMARKS

This response is submitted with a request for a two month extension and appropriate fee in reply to the outstanding Office Action dated June 3, 2005. Claims 1-4, 6-10, 12-14, 16 and 17 currently stand rejected. Applicant gratefully acknowledges the Examiner's indication that claims 18-20 contain allowable subject matter. Applicant has amended independent claims 1, 9 and 12 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

Additionally, claim 5 had previously been indicated as containing allowable subject matter, causing applicant to incorporate the subject matter of claim 5 into claim 1 and similarly amend/cancel claims 9 and 11 and claims 12 and 15, respectively. Newly applied art cited in the outstanding Office Action caused the withdrawal of the indication of the allowability of claim 5. Accordingly, Applicant has added new claims 21-23, which are substantially identical to previously canceled claims 5, 11 and 15, respectively. Previously incorporated portions from canceled claims 5, 11 and 15 have been deleted from independent claims 1, 9 and 12.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### Claim Rejections - 35 USC §103

Claims 1-4, 6-10, 12-14, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Malkin, "Dial-in Virtual Private Networks Using Layer 3 Tunneling", IEEE, 11/1997 (hereinafter, "Malkin") in view of Bots et al. (International Application PCT/US98/12229, hereinafter "Bots").

Applicant has amended independent claims 1, 9 and 12 to recite, *inter alia*, the subscriber profile includes subscriber-specific network service tunneling requirements for a plurality of network services that are available to the subscriber with the network service tunneling requirements including information for identifying tunnel requirements for each of those services. In other words, for example, multiple network services may be assigned tunneling requirement data on a user-by-user basis. In this regard, a list of all tunneling requirement data

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for a given user is accessed each time a data packet request for a particular network service is received from the given user to determine if the particular network service requires a tunnel. These concepts are represented by amended independent claims 1, 9 and 12 in the recitation that the network service tunneling requirements are subscriber-specific and include information for identifying tunneling requirements for each network service.

Malkin is directed to establishment of a virtual private network service connection via tunneling. As such, Malkin discloses that a remote access server communicates with a Tunnel Management System server, which determines whether a tunnel will be established. The Tunnel Management System server is not disclosed as containing subscriber profiles that contain tunneling requirements for specific network services. Rather, the Tunnel Management System server refers to userid information during authentication. Determination as to whether to establish a tunnel is based on the userid (Sec. 3. Operational Algorithm, page 556, step 4). For example, step 4 of Malkin discloses that a tunnel to a Corporate Network will be established if the userid is a Fully Qualified Domain Name (FQDN). As another example, Malkin states that an otherwise authenticated userid will simply authenticate a user and not create a tunnel. In other words, tunnel creation is performed in response to a FQDN that identifies the Corporate Network in the userid. No determination is made as to whether a specific user requires a tunnel to the Corporate Network. Rather, the tunnel is a necessary consequence of the userid having a FQDN. To the contrary, the claimed invention requires access to a stored subscriber profile having subscriber-specific tunneling requirements which are used to determine if this specific user requires a tunnel to this one of a plurality of specific network services. Malkin contains no teaching or suggestion of multiple distinct userids that grant tunnel access to a plurality of network services. Thus, neither the userid nor the FQDN can be fairly stated to be a subscriber-specific network service tunneling requirement for a plurality of network services.

Even assuming for the sake of argument that the userid or FQDN correlate to subscriber-specific network service tunneling requirements (a correlation that Applicant expressly disagrees with), neither the FQDN nor the userid includes information for identifying tunnel requirements for each of those services. Rather, tunneling is an automatic consequence of authentication to a Corporate Network with an FQDN. No information for identifying tunneling requirements for

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each one of a plurality of services is taught or suggested. Thus, Malkin fails to teach or suggest the subscriber profile includes subscriber-specific network service tunneling requirements for a plurality of network services that are available to the subscriber with the network service tunneling requirements including information for identifying tunnel requirements for each of those services as recited in independent claims 1, 9 and 12.

Bots is directed to creation of virtual private networks over public communications infrastructures. Bots also fails to teach or suggest the subscriber profile includes subscriber-specific network service tunneling requirements for a plurality of network services that are available to the subscriber with the network service tunneling requirements including information for identifying tunnel requirements for each of those services as recited in independent claims 1, 9 and 12. Furthermore, Bots is not cited as teaching such feature.

Since Malkin and Bots each fail to teach or suggest the aforementioned features of independent claims 1, 9 and 12, any combination of Malkin and Bots also fails to teach or suggest the subject matter of independent claims 1, 9 and 12. Thus, Malkin and Bots, taken either individually or in combination, do not anticipate, or render independent claims 1, 9 and 12 obvious. Claims 2-4, 6-8, 10, 13, 14, 16 and 17 depend either directly or indirectly from a respective one of independent claims 1, 9 and 12, and as such, include all the recitations of their respective independent claims. The dependent claims 2-4, 6-8, 10, 13, 14, 16 and 17 are therefore patentably distinct from Malkin and Bots, individually or in combination, for at least the same reasons as given above for independent claims 1, 9 and 12.

Accordingly, Applicant respectfully submits that the rejection of claims 1-4, 6-10, 12-14, 16 and 17 as being unpatentable over Malkin in view of Bots, is overcome.

#### *Newly Added Claims*

As discussed above, Applicant has added new claims 21-23. The new claims include no new matter and are substantially identical to original claims 5, 11, and 15, respectively.

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Due to their dependency from respective independent claims 1, 9 and 12, which are believed to be allowable for reasons discussed above, it is believed that the new claims are in condition for allowance.

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### CONCLUSION

In view of the amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

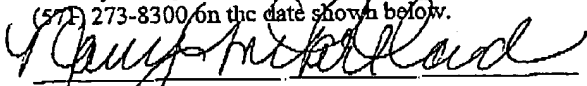


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